

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARY DESMOND, THOMAS ZIOBROWSKI,
PAUL WATTS on their own behalf and on
behalf of other participants in the defendant ERISA
Plans

Plaintiffs,

v.

Civil Action No. 05-cv-10355 NG

MORTON C. BATT, ANTHONY L. SCIALABBA,
CITISTREET, LLC,
SCIALABBA & MORRISON, P.C.,
ANTHONY L. SCIALABBA & ASSOCIATES,
P.C.

THE STANDARD AUTOMOTIVE 401(K) PLAN,
THE STANDARD AUTOMOTIVE EMPLOYER
CONTRIBUTION PLAN,

Defendants.

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

MORTON BATT, JOHN E. ELLIOTT II,
ANTHONY L. SCIALABBA, and the
THE STANDARD AUTOMOTIVE 401(K) PLAN

Defendants/Third Party Plaintiffs

v.

CITISTREET, LLC,

Third Party Defendant

PROPOSED DISCOVERY PLAN

Pursuant to the Court's order at the October 4, 2006 Status Conference, the parties submit
the following proposed discovery plan:

1. Discovery Plan

Initial disclosures under Rule 26(a)(1):	November 15, 2006
Opening of fact discovery:	November 15, 2006
Close of fact discovery:	September 1, 2007
Expert disclosures under Rule 26(a)(2) as to those issues for which the disclosing party has the burden of proof:	October 1, 2007
Rebuttal expert disclosures:	November 1, 2007
Close of expert discovery:	December 15, 2007
Dispositive motions filed:	January 15, 2008
Opposition to dispositive motions:	February 15, 2008
Hearing on dispositive motions:	To be set by Court
Final Pretrial Conference:	To be set by Court
Trial date:	To be set by Court

2. Discovery Event Limitations

The parties expect to abide by the discovery event limitations set forth in Local Rule 26.1. Each of the following will be deemed one "side (or group of parties with a common interest)" for purposes of that rule: (1) Secretary of Labor; (2) Mary Desmond, Thomas Ziobrowski and Paul Watts; (3) Anthony L. Scialabba and Anthony L. Scialabba and Associates, P.C.; (4) Morton C. Batt; (5) CitiStreet, LLC; and (6) John E. Elliott II.

ELAINE L. CHAO, SECRETARY OF LABOR

DEPARTMENT OF LABOR

By her attorneys,

/s/ Jennifer D. Weekley
Howard Radzely, Solicitor
Patricia M. Rodenhausen, Regional Solicitor
Jennifer D. Weekley, Attorney
UNITED STATES DEPARTMENT OF LABOR
201 Varick Street, Rom 983
New York, NY 10014
Telephone: (212) 337-2094
Telecopy: (212) 337-2112

PLAINTIFFS MARY DESMOND, THOMAS ZIOBROWSKI, and
PAUL WATTS,

By their attorneys,

/s/ Thomas P. Smith
Thomas P. Smith (BBO #555513)
Matthew A. Caffrey (BBO #558901)
CAFFREY & SMITH, P.C.
300 Essex Street
Lawrence, MA 01840
Telephone: (978) 686-6151
Telecopy: (978) 686-3399

MORTON C. BATT

By his attorneys,

/s/ Michael O. Kassak

Michael O. Kassak, Esq.
WHITE and WILLIAMS LLP
457 Haddonfield Road, Suite 400
Cherry Hill, NH 08002
Telephone: (856) 317-3653
Telecopy: (856) 317-3603

ANTHONY L. SCIALABBA and
ANTHONY L. SCIALABBA and ASSOCIATES, P.C.

By their attorneys,

/s/ Ronald M. Jacobs

Ronald M. Jacobs (BBO # 561535)
CONN KAVANAUGH ROSENTHAL PEISCH & FORD, LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 482-8200
Telecopy: (617) 482-6444

/s/ Arthur G. Goldman

Arthur G. Goldman, Esq.
P.O. Box 115
Paoli, PA 19301
Telephone: (484) 343-2856
Telecopy: (610) 296-7730

JOHN E. ELLIOTT, II

By his attorneys,

/s/ William J. Murray, Jr.
William J. Murray, Jr., Esq.
VAIRA & RILEY, P.C.
1600 Market Street, Suite 2650
Philadelphia, PA 19103
Telephone: (215) 751-2700
Telecopy: (215) 751-9420

CITISTREET, LLC

By its attorneys,

/s/ Henry C. Dinger
Henry C. Dinger (BBO #125340)
GOODWIN PROCTER LLP
Exchange Place
Boston, MA 02109
Telephone: (617) 570-1000
Telecopy: (617) 523-1231

Date: October 23, 2006

Certificate of Service

I, Thomas P. Smith, hereby certify that I served a true copy of the foregoing document, upon the other parties of record by employing the Court's ECF electronic filing system on this 23rd Day of October 2006.

/s/ Thomas P. Smith
Thomas P. Smith